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APPLICATION N	Ю.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/020,401	-	12/18/2001	Tomas Back	21547/0287	9654	
30678	759	06/02/2004		EXAMINER		
CONNOLLY BOVE LODGE & HUTZ LLP				BUMGARNER, MELBA N		
SUITE 80 1990 M S	-	ΓNW		ART UNIT	PAPER NUMBER	
WASHIN	IGTON	, DC 20036-3425		3732 U		
				DATE MAILED: 06/02/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

_		- 4 '	Got				
	Application No.	Applicant(s)	(}1				
•	10/020,401	BACK ET AL.	•				
Office Action Summary	Examiner	Art Unit					
	Melba Bumgarner	3732					
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet wi	th the correspondence address	s				
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a r - If NO period for reply is specified above, the maximum statutory peri - Failure to reply within the set or extended period for reply will, by star Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a re- reply within the statutory minimum of thirty od will apply and will expire SIX (6) MON tute, cause the application to become AB	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this commun ANDONED (35 U.S.C. § 133).	nication.				
Status							
1) Responsive to communication(s) filed on 06	August 2003.						
2a)⊠ This action is FINAL . 2b)□ T	his action is non-final.	•					
3) Since this application is in condition for allow	vance except for formal matte	ers, prosecution as to the mer	rits is				
closed in accordance with the practice unde	r <i>Ex parte Quayle</i> , 1935 C.D	. 11, 453 O.G. 213.					
Disposition of Claims	•						
4) Claim(s) 11-19 is/are pending in the applica	tion.						
4a) Of the above claim(s) is/are withd	rawn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>11-19</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and	d/or election requirement.						
Application Papers							
9) The specification is objected to by the Exami	iner.						
10) The drawing(s) filed on is/are: a) a	The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to t	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the corr	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) ☐ The oath or declaration is objected to by the	Examiner. Note the attached	Office Action or form PTO-15	52.				
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreignable. a) All b) Some * c) None of: 1. Certified copies of the priority documents. 2. Certified copies of the priority documents. 3. Copies of the certified copies of the priority. 	ents have been received. ents have been received in A riority documents have been	pplication No. <u>09/423090</u> .	ie				
• •	application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a l	ist of the centified copies not	receivea.					
Attachment(s)	_						
1) Notice of References Cited (PTO-892)		Summary (PTO-413)					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/ 		s)/Mail Date nformal Patent Application (PTO-152))				
Paper No(s)/Mail Date	6) Other:	• • • • • • • • • • • • • • • • • • • •					

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DETAILED ACTION

Claim Objections

1. Claims 16 and 18 are objected to because of the following informalities: Appropriate correction is required. Recitation of "the blank" in claim 16, "the support element design", "the seat positions" in claim 18, lack sufficient antecedent basis

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11, it is unclear what is meant by "the plural seats are arranged to prevent communication between the surface and an opposing surface on the elongate support element through the plural seats" and it is unclear whether the implants are intended to be positively claimed in line 5. In claim 16, the method is not clear that the steps show producing the support element; the claim includes the step of forming at least one recess directly in a blank material, at least one recess is a seat in the (dental) product, a support element including a tooth replacement structure is the product, and using the seat in the product, and it further makes what is meant by "in conjunction with the production of a dental product from the blank" unclear. In claim 19, it is not clear what is any seat material if the seat is the at least one recess.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Emmanuel. Emmanuel discloses an elongate support element 48 comprising plural seats (page 10 line 25) penetrating a surface on the element, center axes of the seats connecting with center axes of the implants to meet a fixed accuracy of fit, the element comprises a homogeneous material (page 12 line 34), a wall of each seat comprises the material, and figure 4 shown no communication between the surface and an opposing surface of the element. As to claim 12, each wall has a surface in the material. The process and the intermediate products used in the process by which the element is made are not given patentable weight, because a product claim is properly met if the final product is shown regardless of the process used. As to claims 13-15, the material at the wall possesses the same material in the element having same material strength, does not have intermediate layers of material compositions and material alterations, and the same chemical composition, in that the whole element is made of the same material. Emmanuel does not show material alterations other than shaping (machining) of the material.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 16-19 are rejected, as understood, under 35 U.S.C. 103(a) as being unpatentable over Antonson. Antonson discloses a method for producing a support element comprising

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forming at least one recess directly in a blank material or a dental product, using the recess as a seat in the product (page 3 line 32), the product is a support element including a tooth replacement structure, the seat meets accuracy of fit (figure 3), and the at least one recess is the form of a hole; however, Antonson does not show the specific type of hole, i.e. avoids forming a through hole. It would have been an obvious matter of choice to one having ordinary skill in the art as to the specific configuration of the recess, as it is not described in the specification nor disclosed as critical to the claimed method. As to claims 17 and 18, the seat is in the formed element using milling equipment, which is fed milling coordinates information and integrated milling data. As to claim 19, the recess avoids material not integral with the blank material.

Response to Arguments

8. Applicant's arguments filed August 6, 2003 have been fully considered but they are not persuasive. Applicants added a limitation to the product claim that is indefinite and does not appear to add a structural limitation and the method claim is not clear as to the claimed steps for producing a support element.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 703-305-0740. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Melba Bumgarner Patent Examiner

nelsa Bunyana

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700